

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TAMURA et al

Serial No.: 10/658,291

Filed: September 10, 2003

For: Vacuum Processing Device And Vacuum Processing Method

Art Unit: 1763

Examiner: K. Moore

Conf. No.: 2459

RESPONSE

Mail Stop: Response (Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 10, 2007

Sir:

The following remarks are respectfully submitted in connection with the above-identified application, in response to the Office Action dated June 15, 2007.

As to the rejection of claim 5 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of US Patent No. 6,875,306, which is the parent patent of this continuing application, as recognized by the Examiner, this rejection can be overcome by the submission of a Terminal Disclaimer.

Without acquiescing in the propriety of the obviousness-type double patenting rejection as set forth, in order to expedite issuance of this application, it being noted that independent claim 6 and dependent claims 7 and 9 are not subject to such rejection, submitted herewith is a Terminal Disclaimer and the appropriate fee

therefor, such that applicants submit this obviousness-type double patenting rejection should now be overcome.

Since claims 6, 7 and 9 do not stand rejected, and the rejection of claim 5 has been overcome by the submission of the Terminal Disclaimer, applicants submit that all claims present in this application should now be in condition for allowance and issuance of a notice of allowance is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 648.41957CX1), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

/Melvin Kraus/ *MK*
Melvin Kraus
Registration No. 22,466

MK/jla
(703) 312-6600